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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,944	02/22/2002	Lisa A. Buckman	10004353-1	6545
57299	7590	07/14/2009		
Kathy Manke				EXAMINER
Avago Technologies Limited				BELLÓ, AGUSTIN
4380 Zicgler Road				
Fort Collins, CO 80525			ART UNIT	PAPER NUMBER
			2613	
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			07/14/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte LISA A. BUCKMAN, FRANK H. PETERS,  
and BRIAN E. LEMOFF

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Appeal 2009-000855  
Application 10/080,944  
Technology Center 2600

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Mailed: July 14, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator.*

SHAW, *Chief Appeals Administrator.*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application has revealed that the application is not ready for docketing as an

appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF, APPEALED CLAIMS

Appellants have not appealed all rejected claims. Specifically, a review of the Grounds of Rejection on the record finds that rejections are outstanding for the following pending claims: 1-9 and 14-20. The rejected claims that have not been appealed and/or argued for appeal are claims 10, 12, 13, and 21, as evidenced on page 6 of the Appeal Brief filed December 12, 2007.

DISCUSSION

The Board of Appeals and Interferences (Board), in *Ex parte Ghuman*, (<http://www.uspto.gov/web/offices/dcom/bpai/prec/rm081175.pdf>) (BPAI May 14, 2008) (precedential), held that in appeals where rejected claims are expressly withdrawn, or are implicitly withdrawn by not presenting arguments in support of patentability, the Board will remand (or return) the application to the Examiner with instructions to cancel the expressly or implicitly withdrawn claims. *See also Manual of Patent Examining Procedure* (MPEP) § 1215.03 (8<sup>th</sup> ed. Rev. 6, Sept 2007).

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to enter a paper canceling claims 10, 12, 13, and 21; and
- 2) upon entry of the paper, to return the application to the Board for the consideration of appealed claims.

tdl

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